

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**EUGENE DIVISION**

**AMANDA MCINTYRE,**

Plaintiff,

No. 6:21-cv-01709-MK

v.

**ORDER**

**CITY OF SPRINGFIELD -  
SPRINGFIELD POLICE  
DEPARTMENT, et al.**

Defendants.

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AIKEN, District Judge.

This case comes before the Court on Defendants City of Springfield-Springfield Police Department's, Thomas Rappe's, and Richard Lewis's Objections, ECF No. 82, to Magistrate Judge Mustafa Kasubhai's Order, ECF No. 75, ordering Defendants to produce IAs conducted by Andrea Coit, including fact gathering material. Judge Kasubhai determined that Defendants could withhold Ms. Coit's attorney impressions or opinions as privileged, provided they produce a privilege log. Judge Kasubhai also ordered that Defendants were "to comply with Plaintiff's request for personnel records regarding all disciplinary actions involving employees of Springfield Police."

In accordance with Federal Rule of Civil Procedure 72(a), "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judgment must promptly conduct the required

proceedings and, when appropriate, issue a written order stating the decision.” Fed. R. Civ. P. 72(a). The standard for review for a non-dispositive order with objections is “clearly erroneous” or “contrary to law.” *Id.*; 28 U.S.C. § 636(b)(1)(A) (applying the “clearly erroneous or contrary to law” standard of review for non-dispositive motions). If a ruling on a motion is not determinative of a party’s claim or defense, it is not dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).

The Court has considered Defendants’ Objections and the supporting materials and concludes that they do not provide a basis to modify Judge Kasubhai’s Order. The Court declines to consider those issues raised in Defendants’ Objections that go beyond Judge Kasubhai’s Order, as those discovery issues should be presented to Judge Kasubhai in the first instance. Defendants’ request for modification of Judge Kasubhai’s discovery Order is DENIED.

It is so ORDERED and DATED this 16th day of July 2024.

/s/Ann Aiken

ANN AIKEN  
United States District Judge